

ESTTA Tracking number: **ESTTA666191**

Filing date: **04/13/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	The Los Angeles Kings Hockey Club, L.P.
Granted to Date of previous extension	04/12/2015
Address	1111 S. Figueroa Street Los Angeles, CA 90015 UNITED STATES

Attorney information	Jia Wang NHL Enterprises, L.P. 1185 Avenue of the Americas15th Floor New York, NY 10036 UNITED STATES jwang@nhl.com, tprochnow@nhl.com, klynch@nhl.com, anunez@nhl.com, vfaraci@nhl.com Phone:212-789-2000
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### Applicant Information

Application No	86303095	Publication date	10/14/2014
Opposition Filing Date	04/13/2015	Opposition Period Ends	04/12/2015
Applicant	Bartsch, Scott 414 1/2 N. Sierra Bonita Los Angeles, CA 90036 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms

### Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is primarily geographically descriptive	Trademark Act section 2(e)(2)

### Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	HOCKEYWOOD		

Goods/Services	clothing
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Attachments	HOCKEYWOOD Notice of Opposition.pdf(99021 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jia Wang/
Name	Jia Wang
Date	04/13/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

THE LOS ANGELES KINGS HOCKEY  
CLUB, L.P.,

Opposer,

v.

SCOTT BARTSCH,

Applicant.

In re Application Serial No. 86/303095

Mark: HOCKEYWOOD

Published: October 14, 2014

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Opposer The Los Angeles Kings Hockey Club, L.P. (“Opposer”) believes it will be damaged by registration of the mark HOCKEYWOOD as shown in Application Serial No. 86/303095, filed by Scott Bartsch (“Applicant”) in connection with “Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms” in Class 25 (the “Application”), and hereby opposes the Application.

As grounds for opposition, Opposer alleges that:

1. Opposer is a limited partnership organized under the laws of Delaware with its principal place of business located at 1111 S. Figueroa Street, Los Angeles, California, 90015.
2. Opposer owns and operates the National Hockey League (“NHL”) member team the Los Angeles Kings (the “Kings”), providing entertainment services to the public in the form of competitive professional ice hockey games. Founded in 1967,

the Kings have won the NHL's Stanley Cup Championship twice, including most recently in 2014.

3. Due to past and recent successes, the Kings are among the most recognizable NHL member teams. Former players for the Kings include NHL legends Wayne Gretzky and Luc Robataille, and the present Kings' roster features current NHL stars and American Olympians Jonathan Quick and Dustin Brown. Millions of fans have attended Kings games and have enjoyed television and radio broadcasts of Kings games and events.

4. For many years, and long before the June 6, 2014 filing date of the Application, the Kings have used various marks in commerce in connection with their business of organizing, conducting and promoting professional ice hockey games, including the mark KINGS® (Reg. No. 1,753,976) in connection with, among other things, "clothing; namely, shirts, jerseys, sweatshirts, jackets, T-shirts, pants, sweatpants, warm-up suits, shorts, caps, hats, socks, mittens and cloth bibs."

5. During that time, the Kings have used the coined word HOCKEYWOOD to highlight the proximity of the hockey team and its fans to Hollywood. Specifically, Opposer has used the term HOCKEYWOOD in promotional materials on the Kings website and elsewhere, as well as alongside Opposer's KINGS trademark on apparel such as t-shirts sold and/or offered for sale by Opposer prior to the filing date of the Application.

6. Commentators, members of the media, fans, and other third parties have also widely used the term HOCKEYWOOD in various contexts to refer to the Los Angeles hockey community.

7. Because HOCKEYWOOD is widely used to describe the Los Angeles hockey community and has also been used by Opposer on clothing items that allow Kings fans to celebrate the Kings' prominent place in that community, the term HOCKEYWOOD has at most only minimal trademark significance as a singular source identifier for goods. To the extent consumers do recognize HOCKEYWOOD as a source identifier, consumers associate the term HOCKEYWOOD with Opposer's Kings hockey team as it is the most famous and successful hockey business in Los Angeles.

8. On June 6, 2014, Applicant filed an intent-to-use application for HOCKEYWOOD in connection with "Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms."

9. During that very same period, the Kings were receiving extensive national and local media coverage related to their success in the 2014 NHL Stanley Cup Playoffs. On June 4, 2014, just two days before Applicant filed the application for HOCKEYWOOD, the Kings played the opening game of the 2014 Stanley Cup Final championship series at the Staples Center in Los Angeles. The Kings would go on to win their second Stanley Cup Championship in three seasons on June 13, 2014. Applicant filed his Application declaring an intent to use HOCKEYWOOD in commerce at a time when public interest in the Kings and NHL hockey was at its peak, particularly in the Los Angeles area. Applicant himself is also located in Los Angeles. Upon information and

belief, this reflects Applicant's intent to market apparel bearing the term HOCKEYWOOD to fans of Opposer's Kings hockey team.

10. If Applicant obtains registration of the Application opposed herein, he would obtain a prima facie exclusive right to use of HOCKEYWOOD as a trademark. Such registration would be a source of damage and injury to Opposer and others who have used or will use HOCKEYWOOD to describe the Los Angeles hockey community on clothing items and other sports-related merchandise.

HOCKEYWOOD Is Geographically Descriptive Under 15 U.S.C. § 1052(e)(2).

11. Registration should be refused because, as discussed above, the widespread prior use of the term HOCKEYWOOD to describe the Los Angeles hockey community means that the applied-for word is incapable of identifying Applicant as the exclusive source of the applied-for goods in Class 25. That is, HOCKEYWOOD as applied for is geographically descriptive and therefore is incapable of acquiring the distinctiveness required to be eligible for registration on the Principal Register pursuant to 15 U.S.C. § 1052(e)(2).

In The Alternative, HOCKEYWOOD Is Likely To Cause Confusion Between Applicant's Goods and Opposer's Goods.

12. To the extent HOCKEYWOOD is not geographically descriptive when used in connection with the applied-for goods, it identifies Opposer based on the Kings' prior use of HOCKEYWOOD, including on the applied-for goods. As such, registration

should be refused because the public is likely to falsely associate Applicant's HOCKEYWOOD goods with Opposer or with Opposer's goods, falsely believe that Applicant's goods emanate from or are sponsored, endorsed, or licensed by Opposer, or falsely believe that there is some relationship between Applicant and Opposer.

13. Accordingly, Opposer believes it will be damaged by registration of Applicant's HOCKEYWOOD designation under Section 13 of the Lanham Act, 15 U.S.C. § 1063, on the ground that Applicant's exclusive use and registration of the subject designation will falsely suggest a connection between Applicant and Opposer to the damage of Opposer, in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

14. Opposer also believes it will be damaged by registration of Applicant's HOCKEYWOOD designation under Section 13 of the Lanham Act, 15 U.S.C. § 1063, on the ground that the subject designation is identical to the same phrase used by Opposer so as to be likely, when used on or in connection with the goods identified in the application for HOCKEYWOOD, to cause confusion, mistake or to deceive consumers with consequent injury to Opposer and to the public in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

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WHEREFORE, Opposer believes it will be damaged by registration of the mark HOCKEYWOOD shown in Application Serial No. 86/303095, and respectfully requests that the Opposition be sustained, registration of said mark be denied, and the Trademark Trial and Appeal Board grant other and further relief as it deems just and appropriate.

All communication should be addressed to Opposer's counsel NHL Enterprises,  
L.P. at the below stated address.

Dated: April 13, 2015

Respectfully submitted,

By: /Jia Wang/  
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Kelley A. Lynch  
Jia Wang  
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*Attorneys for Opposer The Los Angeles Kings  
Hockey Club, L.P.*



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Opposition has been sent via first class mail (certified and return receipt requested), postage prepaid, on this 13th day of April, 2015 to:

Scott Bartsch  
414 ½ N Sierra Bonita Ave  
Los Angeles, CA 90036

/Jia Wang/  
Jia Wang  
*Attorney for Opposer*